

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEANDRE LAJUAN MOORE,

Petitioner,

v.

Case No. 16-10656

CATHERINE BAUMAN,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL

Michigan prisoner DeAndre LaJuan Moore ("Petitioner") has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his state criminal proceedings. This matter is before the court on Petitioner's motion for appointment of counsel. (Dkt. # 4.) Petitioner asserts that he is unable to afford counsel, that he is actually innocent and serving a non-parolable life sentence, that the issues are complex and require investigation, that he is uneducated with limited reading and writing ability, that he has limited legal knowledge, and that he had to use the prison legal writers program to submit his pleadings. Petitioner has recently submitted his habeas petition, but Respondent has not yet filed an answer to the petition or the state court record.

Petitioner has no absolute right to be represented by counsel on federal habeas review. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). "[A]ppointment of counsel in a civil case is . . . a

matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)). Petitioner has submitted pleadings in support of his habeas claims. Neither an evidentiary hearing nor discovery are necessary at this time, and the interests of justice do not require appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8(c).

Accordingly, IT IS ORDERED that Petitioner’s motion for appointment of counsel is DENIED. The court will bear in mind Petitioner’s request if, upon receipt and review of the answer and the state court record, the court determines that appointment of counsel is necessary. Petitioner need not file an additional motion concerning this issue.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 19, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, August 19, 2016, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522